

REMARKS

As a result of the panel decision mailed 17 October 2005, the applicant understands that claims 13-19 stand rejected as anticipated by US Pat 4,575,977 to Taylor ("Taylor '977"). Prior novelty rejections based on US Patents 4,685,260 to Jenn and 4,007,565 to Finnegan are deemed to be overcome without amendment to the claims, per the panel decision.

To advance the case towards allowance, the applicant has amended claim 13 in a manner which distinguishes Taylor '977. In the Examiner's most recent action (16 August 2005), the Examiner has correctly noted that Taylor '977 shows "first and second property lots," although the applicant believes that they are properly identified by reference numerals 18A and 18B, not 22 and 24 (as determined by the Examiner). However, reference numerals 22 and 24 show "first and second independent living units on separate property lots." Applicant respectfully notes that the Examiner has not previously identified any element in Taylor '977 that meets the claim 13 limitation of a "commonly shared space that structurally attaches the first and second independent living units," since the only possible "attachment" could be patio 74, and it does not make a structural attachment. However, that point is mooted by the fact that the further amendment to claim 13 goes far beyond what Taylor '977 discloses. Supported by the specification at paragraph [0005], claim 13 is now amended to require "a commonly shared room, through which the common property line passes, structurally attaches the first and second independent living units." Patio 74 is not a "room" and the property line 56 passes alongside, not through, the patio.

Claim 15 is amended to correspond with the change from "commonly shared space" to "commonly shared room" in claim 13. It is also amended to make it clear that, while a center wall might divide the commonly shared room, it would not be the sole element of the common shared room. For that reason, claim 15 would not read upon a duplex condominium having a common wall, without more.

Claim 16 is amended and new dependent claims 20-25 are added to distribute out the former Markush group contained in claim 16.

Conclusion

Applicant respectfully submits that the claims as now amended distinguish the prior art of record.

Respectfully submitted,

Date: 25 Oct. 2005

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